

TOWNSHIP OF WALL
BOND ORDINANCE NO. 28-1993

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 22-1990 OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY IN ORDER TO AMEND THE DESCRIPTION THEREFOR; PROVIDE A SUPPLEMENTAL APPROPRIATION OF \$4,160,000 FOR THE IMPROVEMENT OF THE WRECK POND SEWERAGE SYSTEM AND AUTHORIZE THE ISSUANCE OF \$3,960,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Section 3(a) of Bond Ordinance No. 22-1990 of the Township finally adopted June 13, 1990 is hereby amended to read as follows:

"Section 3(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the improvement of the Wreck Pond Brook Sewerage System consisting of the installation of sanitary sewer trunk lines, sanitary sewer main lines, force main piping, necessary manholes, fittings, connections, structures, pump station improvements, appurtenances, pavement and surface restoration, easement and/or property acquisition for the Wreck Pond Brook Sanitary Sewerage System

comprising the following locations: Block 751, Lots 7, 26, 27, 28, 29, 31, 32, 33, 44, 45, 46, 47, 48, 49, 55, 56, and 60; Block 752 All Lots; Block 754, Lots 13, 43, 44, 45, 46, 47, 48; Block 755, All Lots; Block 756, Lots 1, 2, 3, 4, 5, 6, 9, 18; Block 757, All Lots; Block 758, All Lots; Block 759, All Lots; Block 760, All Lots; Block 762, Lots 25, 26, 27, 28, 29, 30, 31, 35, 70; Block 765, Lots 1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; Block 766, Lots 25, 26, 27, 29, 30; Block 769, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25; Block 770, All Lots; Block 771, All Lots; Block 772, All Lots; Block 773, All Lots; Block 774, All Lots; Block 784, All Lots; 785, All Lots; Block 786, All Lots; Block 917, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 13.01, 14, 15, 19, 32, 33, 34, 36, 37, 38, 41, 44, 53, 54, 66.01, 77, 78, 80, 81, 83, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 114, 115, 116, 117, 119; Block 922, Lots 1, 2, 3, 5; Block 930, Lots 1, 30, 31, 32, 33, 34, 36; Block 931, All Lots; Block 932, Lots 36, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 68; Block 933, All Lots; Block 935, All Lots; Block 936, All Lots; Block 937, All Lots; Block 938, All Lots; Block 939, All Lots; Block 940, All Lots; Block 941, All Lots; Block 942, All Lots; Block 943, All Lots; Block 944, All Lots; Block 945, All Lots and including all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with a list on file in the office of Bay Point Engineering Associates, Inc.

Section 2. The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Township of Wall, New Jersey as a general improvement. For the improvement or purpose described in Section 4, there is hereby appropriated the supplemental amount of \$4,160,000, such sum being in addition to the \$1,500,000 appropriated therefor Bond Ordinance No. 22-1990 of the Township finally adopted June 13, 1990, and including the sum of \$200,000 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 3. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,960,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 4. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the improvement of the Wreck Pond Brook Sewerage System as more specifically described in Bond Ordinance No. 22-1990 of the Township finally adopted June 13, 1990 as amended by Section 1 hereof.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$5,385,000, including the \$1,425,000 bonds or notes authorized by Bond Ordinance No. 22-1990 of the Township finally adopted June 13, 1990 and the \$3,960,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$5,660,000, including the \$1,500,000 appropriated by Bond Ordinance No. 22-1990 of the Township finally adopted June 13, 1990 and the \$4,160,000 appropriated herein.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes

pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 6. The capital budget of the Township of Wall is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 7. Notice is hereby given to the owners of all lots and parcels of real estate benefited by the improvement described in Section 3 hereof and affected by the improvement described therein that the Township of Wall intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$5,660,000. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Township will not contribute to the cost of the improvement; however, if the amount of the special assessments as finally confirmed is less than \$5,660,000, then the Township will contribute the difference to the cost of the improvement.

Section 8. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 9. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an

improvement or purpose that the Township may lawfully undertake as a local improvement, the cost of which shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,960,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,725,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$225,000 was estimated for these items of expense in Bond Ordinance No. 22-1990 of the Township finally adopted June 13, 1990, and an additional \$1,500,000 is estimated therefor herein.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is 10.

Section 10. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWNSHIP OF WALL

ORDINANCE NO. 28-1993

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 22-1990 OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY IN ORDER TO AMEND THE DESCRIPTION THEREFOR, PROVIDE A SUPPLEMENTAL APPROPRIATION OF \$4,160,000 FOR THE IMPROVEMENT OF THE WRECK POND SEWERAGE SYSTEM AND AUTHORIZE THE ISSUANCE OF \$3,960,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

NOTICE

Notice is hereby given that the Bond Ordinance published herewith was finally adopted on December 7, 1993, and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

BEATRICE M. GASSNER, R.M.C./C.M.C.
Township Clerk

DEBT STATEMENT CERTIFICATE

I, BEATRICE M. GASSNER, Clerk of the Township of Wall, in the County of Monmouth, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of Nov. 9, 1993 by Stephen Mayer, who was then chief financial officer of the Local Unit and filed in my office on Nov. 9, 1993, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on Nov. 15, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this 6th day of January 6, 1993^{x. 4}

Beatrice M. Gassner

Beatrice M. Gassner, Clerk

(SEAL)

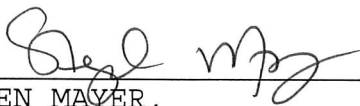
CERTIFICATE OF DOWN PAYMENT

I, STEPHEN MAYER, Chief Financial Officer of the Township of Wall, in the County of Monmouth, New Jersey (the "Local Unit") HEREBY CERTIFY that prior to the final adoption on December 7, 1993 of an ordinance entitled:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 22-1990 OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY IN ORDER TO AMEND THE DESCRIPTION THEREFOR, PROVIDE A SUPPLEMENTAL APPROPRIATION OF \$4,160,000 FOR THE IMPROVEMENT OF THE WRECK POND SEWERAGE SYSTEM AND AUTHORIZE THE ISSUANCE OF \$3,960,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

there was available as a down payment for the purposes authorized by the ordinance the sum of \$200,000, which amount was appropriated as a down payment by the ordinance and was made available by provision in a previously adopted budget or budgets of the Local Unit for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of January 6, 1994.



STEPHEN MAYER,
Chief Financial Officer

EXTRACT from the minutes of a regular meeting of the Township Council of the Township of Wall, in the County of Monmouth, New Jersey held at the Municipal Building in the Township on November 9, 1993 at 8:00 o'clock P.m.

PRESENT: Burne
 Peters
 Rash
 Jost

ABSENT: Nelson

[Attach appropriate minutes hereto]

CERTIFICATE

I, Beatrice M. Gassner, Clerk of the Township of Wall, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on November 9, 1993 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 6th day of January 1994.

Beatrice M. Gassner
Beatrice M. Gassner, Clerk

(SEAL)

CERTIFICATE

I, Beatrice M. Gassner, Clerk of the Township of Wall, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on December 7, 1993 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 6 day of January, 1994.

Beatrice M. Gassner
Beatrice M. Gassner, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Beatrice M. Gassner, Clerk of the Township of Wall, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the Township of Wall, in the County of Monmouth, State of New Jersey (herein called the "Local Unit"). In this capacity I have the responsibility to maintain the minutes of the meetings of the governing body of the Local Unit and the records relative to all ordinances and resolutions of the Local Unit. The representations made herein are based upon the records of the Local Unit.

2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the Local Unit on first reading on November 9, 1993 and finally adopted by the governing body on December 7, 1993 and, where necessary, approved by the Mayor on December 7, 1993.

3. On November 10, 1993 a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the Local Unit at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.

4. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on December 10, 1993. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 6 day of January, 1994.

Beatrice M. Gassner
Beatrice M. Gassner, Clerk

[SEAL]